

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SUNIL THOMAS

WEDNESDAY, THE 11TH DAY OF NOVEMBER 2015/20TH KARTHIKA, 1937

Cr1.MC.No. 7156 of 2015 ()

AGAINST THE ORDER/JUDGMENT IN CC 1034/2015 of J.M.F.C.-I, HOSDURG

PETITIONER(S)/ACCUSED

1. PRABHAKARAN KIZHAKKEKUNIYIL, AGED 59 YEARS
S/O.LATE KUNHIRAMAN, KIZHAKKEKUNIYIL HOUSE
VELLIKULANGARA, ONJIYAM VILLAGE, VADAKARA TALUK
MADAPPALLI COLLEGE P.O, KOZHIKODE DISTRICT.

2. GANGADHARAN K.K., AGED 62 YEARS,
S/O.LATE KUNHIRAMAN, KIZHAKKEKUNIYIL HOUSE
VELLIKULANGARA, ONJIYAM VILLAGE, VADAKARA TALUK
MADAPPALLI COLLEGE P.O, KOZHIKODE DISTRICT.

3. RAJAN K.K., AGED 54 YEARS,
S/O.LATE KUNHIRAMAN, KIZHAKKEKUNIYIL HOUSE
VELLIKULANGARA, ONJIYAM VILLAGE, VADAKARA TALUK
MADAPPALLI COLLEGE P.O, KOZHIKODE DISTRICT.

4. CHANDRI K.K., AGED 55 YEARS,
D/O.LATE KUNHIRAMAN, KIZHAKKEKUNIYIL HOUSE
VELLIKULANGARA, ONJIYAM VILLAGE, VADAKARA TALUK
MADAPPALLI COLLEGE P.O, KOZHIKODE DISTRICT.

BY ADVS.SRI.PHILIP T.VARGHESE
SRI.THOMAS T.VARGHESE
SMT.ACHU SHUBHA ABRAHAM
SMT.K.R.MONISHA
SMT.CHITHRA CHANDRASEKHARAN

RESPONDENT(S)/STATE AND THE DEFACTO COMPLAINANT:

1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM
REPRESENTING THE STATION HOUSE OFFICER,
CHANDERA POLICE STATION, KASARAGOD DISTRICT.

2. UMA MAHESHWARI, AGED 50 YEARS,
W/O.PRABHAKARAN, 'SOUPARNIKA NILAYAM'
NEAR CHERUVATHUR VILLAGE OFFICE, CHERUVATHUR VILLAGE
HOSDURG TALUK, CHERUVATHUR P.O, KASARAGOD DISTRICT
671 313.

R1 BY PUBLIC PROSECUTOR SMT.MADHUBEN
R2 BY ADV. SRI.DENNY VARGHESE

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
11-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS

ANNEXURE A1. COPY OF THE COMPLAINT FILED BY THE 2ND RESPONDENT AS CC NO. 1034/2015 BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT 1, HOSDURG DATED 2.9.13.

ANNEXURE A2. COPY OF THE F.I.R. IN CRIME NO.654/13 OF CHANDERA POLICE STATION DATED 2.9.13.

ANNEXURE A3. COPY OF THE FINAL REPORT IN CRIME NO. 654/13 OF CHANDERA POLICE STATION DATED 11.3.15.

ANNEXURE A4. AFFIDAVIT OF THE 2ND RESPONDENT DATED 23.9.15.

RESPONDENT(S) ' EXHIBITS : NIL

/TRUE COPY/

P. A. TO JUDGE

SUNIL THOMAS, J.

Crl. M. C. No. 7156 of 2015

Dated this the 11th day of November, 2015

O R D E R

The petitioners are the accused in C. C. No.1034/2015 of JFMC-1, Hosdurg for offence punishable under Sections 323, 324, 506 and 498A IPC. The allegation was that the 1st petitioner had married the 2nd respondent and thereafter the matrimonial relationship got strained. The petitioners 2 to 4 are close relatives of the 1st accused.

2. The Crl.M.C. is filed stating that the matter has now been settled between the parties and the complainant does not propose to pursue the matter. An affidavit has been filed by the 2nd respondent accordingly.

3. Heard both sides and the learned Public Prosecutor also.

4. The learned counsel for the 2nd respondent submitted that the matter arose from a matrimonial discord and both sides have voluntarily and amicably settled all their disputes. They want to carry forward their life peacefully. Hence she has no objection in quashing the entire proceedings.

5. Evidently, the dispute arises from a matrimonial discord and no social or public interest are involved. Essentially it is a private dispute between two individuals and their families. I feel that, the further continuance of the proceedings will not be in the interest of justice and is liable to be quashed.

Crl. M. C. stands allowed. All further proceedings in C. C. No. 1034/2015 stands quashed.

Sd/-

SUNIL THOMAS, JUDGE.

/true copy/

P. A. to Judge

Pn